

S.R. 358 - By Montford: Commending the Tech Band Sorority of Texas Tech University for its 50 years of service.

S.R. 361 - By Glasgow: Extending welcome to Reverend Chuck Wallace.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:01 p.m. adjourned, in memory of Dr. Martin Luther King, Jr., until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(April 3, 1989)

H.C.R. 164

H.C.R. 166

THIRTY-EIGHTH DAY (Wednesday, April 5, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Heavenly Father, for all the difficulties that may confront us, sustain us . . . for all the questions we may have to resolve, give wisdom. In those things that matter most, increase our knowledge and in those things we now only know in part, give us a clear understanding. Teach us that with Your grace all things are possible.

In Your name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 131

H.C.R. 190

REPORTS OF STANDING COMMITTEES

Senator Sims submitted the following report for the Committee on Administration:

S.C.R. 57

Senator Glasgow submitted the following report for the Committee on Jurisprudence:

C.S.S.B. 134
C.S.S.B. 359
C.S.S.B. 358

Senator McFarland submitted the following report for the Committee on Criminal Justice:

S.B. 905
C.S.S.B. 1405
C.S.S.B. 754
C.S.S.B. 902
C.S.S.B. 904
C.S.S.B. 810
C.S.S.B. 900

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1060
S.B. 779
S.B. 1445
S.B. 1006
S.B. 970
S.B. 1159
C.S.H.B. 187
C.S.S.J.R. 16
C.S.S.B. 1307
C.S.S.B. 1189
C.S.S.B. 889
C.S.S.B. 690
C.S.S.B. 498

Senator Parker submitted the following report for the Committee on Education:

S.B. 873

MESSAGE FROM THE HOUSE

House Chamber
April 5, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.J.R. 6, Ratifying a proposed amendment to the Constitution of the United States relative to the compensation of Members of the United States Congress and when any variations therein shall take effect.

H.B. 391, Relating to treatment of permits issued under certain federally authorized State programs.

H.B. 1417, Relating to venue and proof requirements in certain enforcement proceedings under the Parks and Wildlife Code.

H.B. 1588, Relating to establishing a groundwater protection cleanup program and a petroleum storage tank remediation fund for the cleanup of releases from certain petroleum storage tanks; providing a criminal penalty.

H.B. 302, Relating to the exemption of county food purchases from competitive bidding requirements.

S.C.R. 105, Honoring Nolan Ryan.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

GUEST PRESENTED

The President introduced his guest, Linus Wright of Dallas.

This distinguished educator, upon the invitation of the President, briefly addressed the Senate.

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Parmer and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 107 by Parmer Administration
Designating the week of July 1-7, 1989, and the week of July 1-7, 1990, as Patriotism Week in Texas.

S.B. 1639 by Carriker, Glasgow Jurisprudence
Relating to security interests in farm products.

S.B. 1640 by Brooks, Zaffirini, Carriker Finance
Relating to income eligibility for medical assistance; advisory committees of the department; the provision and payment of hospital and physician services; and the liability of health care providers rendering services to Medicaid recipients.

S.B. 1641 by Henderson Intergovernmental Relations
Relating to the electronic funds transfer of compensation and reimbursement of municipal officers and employees.

S.B. 1642 by Green State Affairs
Relating to the regulation of residential telephone solicitation; providing a penalty.

S.B. 1643 by Green Jurisprudence
Relating to agreements between spouses regarding rights of survivorship in community property.

S.B. 1644 by Harris Economic Development
Relating to life insurance policies and applications.

S.B. 1645 by Carriker Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the Kent County Underground Water Conservation District.

CO-SPONSOR OF HOUSE BILL 85

On motion of Senator Caperton and by unanimous consent, Senator Bivins will be shown as Co-sponsor of **H.B. 85**.

CO-AUTHOR OF SENATE BILL 234

On motion of Senator Green and by unanimous consent, Senator Bivins will be shown as Co-author of **S.B. 234**.

CO-AUTHOR OF SENATE BILL 1511

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1511**.

CO-AUTHOR OF SENATE BILL 1514

On motion of Senator Santiesteban and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1514**.

CO-AUTHOR OF SENATE BILL 1516

On motion of Senator Carriker and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1516**.

CO-AUTHOR OF SENATE BILL 1519

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1519**.

CO-AUTHOR OF SENATE BILL 1520

On motion of Senator Santiesteban and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1520**.

CO-AUTHOR OF SENATE BILL 1521

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1521**.

CO-AUTHOR OF SENATE BILL 1522

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1522**.

GUESTS PRESENTED

Senator Barrientos escorted Janice Hughes and Dr. A. C. Wilder to the President's Rostrum.

The President presented to them an enrolled copy of **S.C.R. 97**, adopted by the Senate on March 22, 1989, expressing appreciation to the Austin Smiles Medical Mission Team for their goodwill offering to the peoples of Mexico.

SENATE RESOLUTION 337

Senator Parmer offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to join with the citizens of Fort Worth in paying tribute to this quintessential Texas town on the grand occasion of Fort Worth Day on Wednesday, April 5, 1989; and

WHEREAS, Fort Worth, also known as Cowtown, has grown from a United States Army outpost established in 1849 at the confluence of the Clear Fork and the West Fork of the Trinity River into one of Texas's major cities with a wide range of manufacturing industries including two major aviation plants, General Dynamics and Bell Helicopter; and

WHEREAS, The citizens of Fort Worth strive continually to retain the rich western heritage from which it originated both in the form of preservation of the historic North Side Stockyards area as well as customs and ways of the West; and

WHEREAS, The Fort Worth community knows the importance of competing on an international level for business, as well as expanding tourist opportunities, and thus has developed one of the state's finest cultural communities and a diverse economy capable of supporting the ever-increasing technologically dependent business world; and

WHEREAS, Fort Worth is home to United States Speaker of the House Jim Wright, Texas Speaker of the House Gib Lewis, and the next president of the National League of Cities, Mayor Bob Bolen; and

WHEREAS, The impressive Fort Worth Convention Center spans an area of 14 downtown blocks; culturally, the city is known for an outstanding group of museums together with theater, concerts, opera, ballet, and art galleries; and

WHEREAS, Dedicated to assuring educational opportunities for our state's future leaders, Fort Worth has outstanding educational institutions including Texas Christian University, Tarrant County Junior College, Texas College of Osteopathic Medicine, Texas Wesleyan College, and Southwestern Baptist Theological Seminary; and

WHEREAS, Cowtown is well known for the annual Southwestern Exposition, Fat Stock Show and Rodeo, one of the nation's best; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby extend sincere congratulations to the citizens of Fort Worth for a most memorable and joyous celebration; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the City of Fort Worth as a memento of this special occasion.

PARMER
McFARLAND
GLASGOW

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Parmer introduced a large delegation of Fort Worth citizens seated in the Senate Gallery.

The Senate welcomed these visitors.

HOUSE BILL 753 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 753, Relating to the authority of the Menard County Hospital District to borrow money to pay its operating expenses.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 753 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 753** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 425 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 425, Relating to brevet promotions in state military forces.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 425 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 425** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 2 ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 2, Relating to the authorization, administration, and funding of the financial assistance programs to provide water supply and sewer services in economically distressed areas and to provide adequate local regulation of those water supply and sewer services; providing for the issuance of bonds; providing penalties.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Amend **C.S.S.B. 2** as follows:

(1) Strike Section 212.0105 (a) and insert in lieu thereof the following:

(a) This section applies only to a person who:

(1) is the owner of a tract of land in either

(A) a county that is contiguous to an international border;

(B) an affected county as defined by section 16.341, Water Code, that is contiguous to a county described in subsection (A) of this subsection; or

(C) a county in which a political subdivision has received financial assistance through either Subchapter K, Chapter 15, or Subchapter J, Chapter 17, of the Water Code;

(2) divides the tract in a manner that creates any lots that are intended for residential purposes and are one acre or less; and

(3) is required under this subchapter to have a plat prepared for the subdivision.

(2) Strike Section 232.0035 (a) and insert in lieu thereof the following:

(a) This section applies only to a person who:

(1) is the owner of a tract of land in either

(A) a county that is contiguous to an international border;

(B) an affected county as defined by section 16.341, Water Code, that is contiguous to a county described in subsection (A) of this subsection; or

(C) a county in which a political subdivision has received financial assistance through either Subchapter K, Chapter 15, or Subchapter J, Chapter 17, of the Water Code;

(2) divides the tract in a manner that creates any lots that are intended for residential purposes and are one acre or less; and

(3) is required under this subchapter to have a plat prepared for the subdivision.

The amendment was read and was adopted viva voce vote.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 2 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1399 ON THIRD READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 1399, Relating to the time within which an action to recover damages resulting from the presence of asbestos-containing materials in a building or facility may be brought.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Armbrister, Haley, McFarland and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 615 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

S.B. 615, Relating to the authority of the Texas Employers' Insurance Association to become a mutual insurance company.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Armbrister, Barrientos, Bivins, Brown, Caperton, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejeda, Truan, Zaffirini.

Nays: Brooks, Carriker, Dickson, Farmer, Uribe, Washington, Whitmire.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Amend **S.B. 615** on page 1, lines 11-12, by deleting the phrase "Chapters 2, 6 and 12" and substituting the phrase "Chapter 15."

The committee amendment was read and was adopted viva voce vote.

Senator Green offered the following amendment to the bill:

Amend **S.B. 615** by adding a new SECTION 2 to the bill to read as follows:

"SECTION 2. The filing of articles of incorporation under this Act shall not affect or impair the rights of policyholders of the association. Any plan to change the articles of incorporation or to change from a mutual type of insurance company shall require the consent of the policyholders pursuant to Art. 15.10, Insurance Code, and approval by the Commissioner of Insurance. Approval by the Commissioner shall be withheld unless the proposed change is found to be fair and equitable and in the best interest of the policyholders."

Renumber the present SECTION 2 and subsequent sections of the bill appropriately.

The amendment was read and was adopted viva voce vote.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

GUEST PRESENTED

The President announced the presence in the Senate Chamber of the Honorable William P. Clements, Jr., Governor of the State of Texas.

The Senate welcomed this distinguished visitor.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

H.B. 753

The President announced that **H.B. 753** had also been signed by the Governor of Texas while visiting in the Senate.

SENATE BILL 481 ON SECOND READING

Senator Barrientos moved to suspend the regular order of business to take up for consideration at this time:

S.B. 481, Relating to the continuation, powers, and duties of the Texas Indian Commission.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Edwards, Green, Haley, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Caperton, Glasgow, Henderson, Leedom, Ratliff.

Absent: Harris.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Henderson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**MOTION TO PLACE
SENATE BILL 481 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 481 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 23, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Edwards, Green, Haley, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Caperton, Glasgow, Henderson, Leedom, Ratliff, Sims, Washington.

Absent: Harris.

MESSAGE FROM THE HOUSE

House Chamber
April 5, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 450, Relating to write-in voting in an election for the office of trustee of an independent school district.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 557 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 557, Relating to the calculation of sentence time credit for persons sentenced to terms of confinement in the Texas Department of Corrections.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 557 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 557 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Leedom,

Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Krier, Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Krier.

SENATE BILL 657 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 657, Relating to the personal civil liability of a member of the emergency management council or a local emergency planning committee.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 657 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 657** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 993 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 993, Relating to the creation, administration, and powers, including the power of eminent domain subject to limitations, and to the duties, operations, and financing of Collin County Water Authority, and to the creation therein of subdistricts with the power to levy and collect ad valorem taxes within the subdistricts; relating to the power of the county and of municipalities, other political subdivisions and nonprofit water supply corporations to enter into and give security for contracts with the authority.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 993 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 993** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT
SENATE BILL 192**

Senator Glasgow submitted the following Conference Committee Report:

Austin, Texas
April 4, 1989

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 192 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

GLASGOW
CAPERTON
LYON
McFARLAND
WASHINGTON

On the part of the Senate

HIGHTOWER
STILES
TELFORD
WILLIAMSON

On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the administration of the pre-parole transfer program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 6166x-4, Revised Statutes, is amended to read as follows:

Art. 6166x-4. PRE-PAROLE TRANSFER

Sec. 1. In this article:

- (1) "Board" means the Board of Pardons and Paroles.[:]
- (2) "Community residential facility" means a halfway house certified by and under contract with the board [~~Board of Pardons and Paroles~~] under Section 8(h), Article 42.18 [Subsection (h), Section 15, Article 42.12], Code of Criminal Procedure, [1965, as amended;] or another facility or residence approved by the board. [~~Texas Department of Corrections and the Board of Pardons and Paroles;~~]
- (3) "Department" means the Texas Department of Corrections.[:]
- (4) "Director" means the director of the department. [~~Texas Department of Corrections;~~]
- (5) "Eligible inmate [prisoner]" means an [a prisoner or] inmate in the actual physical custody of the Texas Department of Corrections for whom a presumptive parole date has been established by the board. [~~Board of Pardons and Paroles and approved by the governor; and]~~
- (6) "Pre-parolee" means an eligible inmate of whom the board has assumed custody.
- (7) "Presumptive parole date" means a date specified by the board [~~Board of Pardons and Paroles and approved by the governor~~] under Section 8(l), Article 42.18 [Subsection (m), Section 15, Article 42.12], Code of Criminal Procedure, [1965;] on which an individual's parole release is to become effective, absent the development of additional negative information in the case or negative changed circumstances resulting in a rescission of the date.

Sec. 2. (a) The board [director] may assume custody of [transfer] an eligible inmate [prisoner to a community residential facility] not more than 180 days before the eligible inmate's [prisoner's] presumptive parole date. The eligible inmate becomes a pre-parolee on the date the board assumes custody, and the board immediately shall transfer the pre-parolee to a community residential facility. Except as otherwise provided by this article, the pre-parolee may [prisoner shall] serve the remainder of his sentence prior to release on parole in the facility designated by the board [department].

(b) At the time of the transfer of the pre-parolee [prisoner], the board [department] shall designate a community residential facility [approved by the board] as the pre-parolee's [prisoner's] assigned unit of confinement. [A prisoner transferred pursuant to the terms of this article is deemed to be in the continuing actual physical custody of the department and is subject to the good conduct time provisions of Article 6181-1, Revised Statutes.]

(c) [At the time of transfer of the prisoner, the department may pay the prisoner all or part of the amount of money he would receive on release under Article 6166m-1, Revised Statutes, as amended.] If [at] a pre-parolee [later date the prisoner] is transferred from pre-parole status to parole status[, without a rescission of his presumptive parole date,] he shall receive [any balance of] the amount of money to which he is entitled [authorized] under Section 1, Chapter 104, Acts of the 43rd Legislature, 1st Called Session, 1933 [Article 6166m-1, Vernon's Texas Civil Statutes].

Sec. 2A. (a) A person is eligible for transfer under this section from a jail or correctional institution to a secure community residential facility if:

(1) the person has been sentenced to a term of confinement in the department;

(2) the person has not been delivered to the custody of the department, but rather is confined in a jail in this state, a federal correctional institution, or a jail or correctional institution in another state; and

(3) a presumptive parole date for the person has been established by the board.

(b) The board may authorize the transfer of an eligible person from a jail in this state, a federal correctional institution, or a jail or correctional institution in another state to a secure community residential facility designated by the board not more than 180 days before the person's presumptive parole date. A person transferred under this section is deemed to be in the actual physical custody of the board.

(c) A person transferred by the board to a secure community residential facility is subject to the provisions of Sections 2(c), 3, and 4 of this article in the same manner as if the person is a pre-parolee who had been transferred to a community residential facility under Section 2 of this article.

(d) The board may request of a sheriff that the sheriff forward to the board copies of any records possessed by the sheriff that are relevant to the board in its determination as to whether to transfer a person from the county jail to a secure community correctional facility and the board shall request the sheriff to forward to the department and to the board the information relating to the defendant the sheriff would be required under Section 8, Article 42.09, Code of Criminal Procedure, to deliver to the department had the defendant been transferred to the department. The board shall determine whether the information forwarded by the sheriff contains a fingerprint from the person and, if not, the board shall obtain a 10-finger print from the person, either by use of the ink-rolled print method or by use of a live-scanning device that prints the fingerprint on paper, and shall forward the 10-finger print to the department for inclusion with the information sent by the sheriff. The sheriff shall comply with a request from the board made under this subsection.

Sec. 3. (a) The board ~~[department]~~ shall promulgate a written set of rules for the conduct of pre-parolees ~~[prisoners]~~ transferred under the terms of this article.

(b) On transfer, the pre-parolee ~~[prisoner]~~ is subject to supervision by the board and shall obey the orders of the board ~~[and the department]~~.

(c) An officer assigned by the board to supervise a pre-parolee ~~[prisoner]~~ transferred under this article must make periodic written reports to the board ~~[department as required by the department]~~ concerning the pre-parolee's ~~[prisoner's]~~ adjustment. The officer shall immediately report ~~[to the department and]~~ to the board in writing if the officer believes that the pre-parolee has violated ~~[a violation of]~~ the terms of the pre-parolee's ~~[prisoner's]~~ transfer agreement or the rules of the facility and may include in the report his recommendation as to the disciplinary action the board ~~[department]~~ should take in the case. The officer may also recommend to the board that it rescind or revise the pre-parolee's ~~[prisoner's]~~ presumptive parole date. The ~~[department or the]~~ board may require an agent of the board or the community residential facility to conduct a [fact-finding inquiry prior to a] disciplinary hearing ~~[action which the department deems appropriate in the case]~~.

(d) If the board has an administrative need to deliver the pre-parolee to the actual custody of the department or if after a disciplinary hearing the board concurs ~~[department determines]~~ that a violation has occurred, the board with the approval of the department may deliver the pre-parolee to the actual custody of the department, and the department may assign ~~[reassign]~~ the pre-parolee ~~[prisoner]~~ to a regular unit of the department. If the officer reporting a violation recommends a disciplinary action, the board ~~[department]~~ shall follow the recommendation unless it determines that another disciplinary action is more appropriate. If the officer recommends rescission or revision of the pre-parolee's ~~[prisoner's]~~ presumptive parole date, the board shall rescind or revise the date unless it determines the action is inappropriate.

(e) During the period after a pre-parolee is transferred to a community residential facility under this article and before the pre-parolee is released on parole, the board may award good conduct time to the pre-parolee earned by the pre-parolee during that period in the same amounts and in the same manner as the director awards good conduct time to prisoners in the department under Article 6181-1, Revised Statutes.

Sec. 4. (a) If a pre-parolee ~~[prisoner]~~ transferred under the terms of this article satisfactorily serves a term in the community residential facility until his presumptive parole date, the board may ~~[shall]~~ transfer the pre-parolee ~~[prisoner]~~ from pre-parole status to parole status and the board may ~~[shall]~~ issue the pre-parolee ~~[prisoner]~~ an appropriate certificate of release to conditional freedom pursuant to Article 42.18 ~~[42-12]~~, Code of Criminal Procedure~~[-1965, as amended]~~.

(b) A pre-parolee ~~[prisoner]~~ transferred from pre-parole status to parole status is subject to provisions concerning prisoners released on parole provided by Article 42.18 ~~[42-12]~~, Code of Criminal Procedure~~[-1965, as amended]~~.

Sec. 5. (a) The board and the department may enter into interagency contracts for the purpose of accomplishing ~~[the]~~ pre-parole transfers ~~[transfer of prisoners]~~ to community residential facilities.

(b) The board and the department shall enter into a memorandum of understanding establishing:

(1) criteria for the return of pre-parolees from community residential facilities to the department and for the delivery to the department of persons confined in a community residential facility under Section 2A of this article;

(2) a quota system limiting the number of returns or deliveries in any month; and

(3) a procedure for transmitting to the department information received by the board under Section 2A(d) of this article.

(c) The board and the department by rule shall adopt the memorandum of understanding required by this section.

Sec. 6. It is the intent of the legislature that this article not create an expectation of release on the part of any individual.

SECTION 2. Section 8, Article 42.09, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) If the board releases on parole a person who is confined in a jail in this state, a federal correctional institution, or a correctional institution in another state, the Board of Pardons and Paroles shall request the sheriff who would otherwise be required to transfer the person to the Texas Department of Corrections to forward to the board and to the department the information described by Subsections (a) and (c) of this section. The sheriff shall comply with the request of the board. The board shall determine whether the information forwarded by the sheriff under this subsection contains a fingerprint from the person and, if not, the board shall obtain a 10-finger print from the person, either by use of the ink-rolled print method or by use of a live-scanning device that prints the fingerprint image on paper, and shall forward the 10-finger print to the department for inclusion with the information sent by the sheriff.

SECTION 3. The change in law made by Section 1 of this Act, amending Subsection (a), Section 4, Article 6166x-4, Revised Statutes, applies only to a pre-parolee transferred to a community residential facility on or after the effective date of this Act. The law relating to transfers to a facility before the effective date of this Act is the law in effect at the time of transfer, and the former law is continued in effect for this purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

GUEST PRESENTED

Senator Barrientos was recognized and presented Dr. Charles Anderson of San Marcos.

The Senate welcomed Dr. Anderson, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

SENATE BILL 937 REREFERRED

On motion of Senator Parker and by unanimous consent, S.B. 937 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Natural Resources.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Sims announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:30 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

SENATE BILL 1640 REREFERRED

On motion of Senator Brooks and by unanimous consent, **S.B. 1640** was withdrawn from the Committee on Finance and rereferred to the Committee on Health and Human Services.

MESSAGE FROM THE HOUSE

House Chamber
April 5, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 563, Relating to the withdrawal of a participating jurisdiction from certain metropolitan transit authorities.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RULE 11.11 SUSPENDED

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider the following bills at 2:30 p.m. today:

S.B. 290

S.B. 528

MEMORIAL RESOLUTION

S.R. 368 - By Parmer: In memory of James Amos Wilson of Fort Worth.

CONGRATULATORY RESOLUTIONS

S.R. 360 - By Lyon: Extending congratulations to the Fannindel basketball team on winning the 1988-89 1A State Basketball Championship.

S.R. 369 - By Green: Extending congratulations to the Forest Lawn Baptist Church for their hard work and dedication in making SO-LA-TI Village a reality.

RECESS

On motion of Senator Brooks, the Senate at 1:00 p.m. took recess until 8:30 a.m. tomorrow.